

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

RONALD & PATRICIA SHAMON,)
)
Plaintiff,)
-v-) DOCKET NO.
UNITED STATES OF AMERICA,)
)
Defendant.)

THE ORAL DEPOSITION OF RONALD SHAMON, held
pursuant to Notice, and the applicable provisions of the
Federal Rules of Civil Procedure, before Diana Strzemienski,
a Court Reporter and Notary Public, within and for the
Commonwealth of Massachusetts, at the offices of the
United States Attorney, 1 Courthouse Way, Suite 9200,
Boston, Massachusetts, on Wednesday, March 16, 2005,
commencing at 12:52 p.m.

ORIGINAL

1 My wife was with me at the time. That was at the
2 West Roxbury Hospital.

3 Q And, what did he say about the--

4 A I said, "How was my defective sphincter? You saw
5 me on the 16th and the muscle tone, the sphincter tone was
6 good. How was it defective?"

7 He said, "It had to be from the infections leaking
8 down." And then he tried to say there's a track coming
9 down. Your sphincter is like this." I think -- I'm not
10 sure normally -- I think he said, "On the 12 o'clock
11 position, it's not closing."

12 I said, "What do I do with this? What can you do
13 for me"?

14 Well he said, "We can't operate and you're going
15 to have that for the rest of your life. That's the way it's
16 going to be."

17 I said, "What do you do for it"?

18 He says, "Use either a Fleet Enema after every
19 bowel movement or put cotton balls up there."

20 I said, "What the hell are you trying to tell me,
21 put cotton balls the rest of my life up there, or a Fleet
22 Enemas"?

23 "That's the only way. You'll have to do it.
24 You'll have to live with it. It's better than--"

25 No, he didn't say that yet. He said, "That is the

1 only way."

2 And then he said, "Drink only one to three glasses
3 of water each day because -- and take -- it's a powder I
4 take every day. It's mixed with orange juice so it will dry
5 up your -- the moisture in your body so you won't secrete
6 mucous as often, as much. There's a lot of names for it.
7 I'll think of it in a minute.

8 And, he says, "Cotton balls every day and/or Fleet
9 enemas. That powder every day. One to three glasses of
10 water to minimize mucous."

11 Citrucel. Citrucel is the name of the product.
12 Something like a Metamucil; Metamucil or Citrucel.

13 And he said--

14 And I said, "What about my -- I sit down, and I
15 can't say sitting."

16 He said, "Well, you have tremendous scar tissue
17 from the several operations you have. You are going to have
18 to live with that. Sit on a donut. Walk around a lot. But
19 they're all better than having a colostomy."

20 Q And he said that there was no way to rectify
21 either--

22 A No. No.

23 Q He said there was no way to rectify the either the
24 defective sphincter or the scar tissue?

25 A No way. You live with it the rest of your life.

1 That hit me like a -- I was alive, okay? But,
2 that hit me like a ton of bricks when I heard that.

3 Q And when was the next time that saw anyone at the
4 VA?

5 A I didn't want to go near it. I didn't near -- he
6 said that was permanent. I don't want to near another
7 doctor, ever, especially the VA.

8 Q Is that the last time you saw a doctor?

9 A It's the last time I saw a doctor at the VA, yes.

10 Q Have you seen any other doctors after that?

11 A Yes. I had a--

12 Q Remember just to let me finish my question before
13 you begin to speak.

14 Have you seen any other medical professionals,
15 after this meeting in October 2002, that you just told me
16 about?

17 A Yes.

18 Q Who?

19 A Well, I was on one insurance -- Secure Horizons.
20 The closest primary that handled that was in Sandwich.
21 Mass., Dr. Brown, Michael Brown.

22 Q Why did you see Dr. Brown?

23 A Just to get into the new program, you have to go
24 within a certain amount of days to get a physical -- an
25 annual check-up. And he gave me an annual check-up.

1 Q Did he explore your rectum?

2 A Yes. He gave me a digital, and he said, "I see a
3 lot of scar tissue." You could tell he felt pretty bad.

4 I only had that, I believe, that one visit, but
5 two visits with him and then they dropped -- the Secure
6 Horizons dropped -- that doctor dropped Secure Horizons.
7 The whole people on the Cape couldn't be covered, that were
8 on Secure Horizons.

9 So I had to change to get, what they call, no --
10 I stayed with Secure Horizons. They wouldn't take any more.
11 That doctor wouldn't take any more of that.

12 I get Dr. Finkelstein in Plymouth.

13 Q Before you move on to Finkelstein, you say you saw
14 Dr. Brown twice?

15 A The second time, I think I brought my wife. She
16 was going to the same doctor in that area.

17 Q What was the date you saw Dr. Brown?

18 A You push, you know, these dates? My head used to
19 be good with figures, but let me see, yeah. I can get the
20 information for you. I just can't off the top of my head.

21 Q Is that in 2002?

22 A I think it was. I think it was at the end of
23 2002. Yes, I believe it was.

24 Q You said you next saw a Dr. Finkelstein?

25 A Finkelstein. You see, when they dropped that

1 doctor, Dr. Finkelstein was in Plymouth and he took Secure
2 Horizons. So, we had to go for another physical with him.

3 Q And, he did a digital--

4 A He did a digital, and he looked at me and said,
5 "What is all the scar tissue about?"

6 And he did the digital. The digital was okay,
7 just a slightly enlarged prostate. He wanted to see the
8 report. I know, I didn't ask him to see it. He said, "Can
9 you bring that whole report into me?"

10 So, he copied ten pages of that report. Then
11 after they copied ten pages of the report, he dropped Secure
12 Horizons, too.

13 So, then we went into Blue Cross/Blue Shield
14 Medex, and that was Dr. Robke, Dr. Michael Robke, R-o-b-k-e,
15 in Plymouth, Michael. He was my next primary, and he's been
16 my primary since 2002 to now.

17 Q Do you remember when it was that you saw that Dr.
18 Finkelstein?

19 A It was either the end of 2002 or the very
20 beginning of 2003. Again, I can get that information for
21 you.

22 Q And, Dr. Robke, when did you first meet with him?

23 A 2003.

24 Q And you said he is still your primary?

25 A Yes, still my primary.

1 Q And he did a physical examination?

2 A He did a physical. When he wanted to go near the
3 area, I said, "No. I don't want you doing that. I just had
4 it done."

5 He said, "Why I have to. I can understand." He
6 was very understanding. He knows how--

7 Q So, he did a digital exam as well?

8 A Yes.

9 Q Each of these times you had this examination --
10 this physical examination -- did it worsen your condition?

11 A I think it had a two-fold effect. I was fearful
12 of having it done. Number two: It was a little bit
13 uncomfortable -- yes, it was uncomfortable, but wasn't, you
14 know, it wasn't excruciating like in the past examples, but--
15 -

16 Q Well, my question is, did it worsen your
17 condition?

18 Did it complicate your--?

19 A No, no.

20 Q Did the three digital exams you just told me about
21 by Dr. Brown, Finkelstein, and Robke, did it complicate your
22 existing conditions?

23 A No.

24 Q It did not?

25 A No.

1 A About a week ago. I couldn't call him because I
2 didn't know what the date schedule was for this. I don't
3 want to promise him I'm coming in, and have to be called in
4 for something. So, I will call him.

5 Q Have you seen anyone else?

6 A No.

7 Q Now, I just want you to -- can you tell me about
8 the physical injuries, symptoms--

9 A Yeah, I can tell you about--

10 Q Let me first finish my question.

11 What physical injuries, symptoms, illnesses, etc.
12 have you experienced since the sigmoidoscopy procedure on
13 December 7th, 2001?

14 A Numerous emotional and physical injuries.

15 Q Why don't you start with the physical?

16 A I just want to add something. Due to the neglect
17 of the defendant, these are all caused from that time.

18 The physical part of it is that I get -- simple
19 procedures -- in and out of the house. I have a very low
20 stamina as far as being able to pick up something heavy; to
21 be able to do minor chores in and out of the house.

22 And. also, when I do pick up something that's not
23 quite heavy, I get a discharge from my rectum, the same as
24 when I sit down after a bowel movement. I get a discharge,
25 a fecal discharge out that I have to go clean off. I'm

1 afraid to even move sometime because I'm always wiping back
2 the mucous every day.

3 I don't go out of the house hardly. I can't sit
4 down for any period of time without having to get up and
5 walk around because of the immense scar tissue left by all
6 these operations. And that's what Dr. Cima came out and
7 said, "You're going to be uncomfortable because of the major
8 scar tissue you have from all these operations. And you
9 will have to live with it for the rest of your life. It's
10 permanent. Get used to it."

11 Q Anything else?

12 A I have to, when I -- what I fear most of all--

13 Q That would be emotional, right?

14 A Yeah, well, it's physical, too.

15 Q All right.

16 A Is getting up and taking a bowel movement anytime.

17 Q Okay.

18 A Because when I take a bowel movement, it takes me
19 almost ten minutes, with soft tissue to wipe so I won't hit
20 the scars. And I can't wipe in a normal wad, I have to pat
21 myself for almost ten minutes. Then I have go in with a
22 hand shower, a hand-held shower in my bathroom, and wipe up,
23 spray it on there, and there are sometimes that I go too
24 much and I get bleeding from down below when I try to rub --
25 wipe too much. I can't wipe. I have to protrude into my

1 anal opening, especially when I put the cotton balls, I have
2 to go up there. And I see blood at times.

3 That's pretty physical, you know. That's what I
4 fear the most. And it's permanent.

5 I don't know when I'm going to pick something up.
6 Something is going to -- when I have a groin pain, I could
7 be walking up and down the stairs. I get out of breath. I
8 can't even move when I get to the top. I'm not used to that
9 in my whole life.

10 My groin down here, the whole section down here
11 aches as if something is going to fall apart, and I fear,
12 every day, that something is going to break in there.

13 My libido is so bad that I don't want to have sex.
14 I completely have a fear of having sex, because when I do
15 have sex, the times when I do have sexual intercourse with
16 my wife, it is very painful, often very painful.

17 Q Any other changes in your physical condition?

18 A I can't walk right. You know, when I was first
19 starting to walk after the operation, the scars would rub
20 against each other and blood would be coming right down both
21 of my legs. They said get up and walk a lot, and that was
22 happening, and I don't want to walk.

23 I can't resume any of the tasks that I normally
24 would resume.

25 The properties down in Florida, I got to pay to

1 Q Any other physical or emotional conditions that
2 you haven't told me about so far?

3 A I just -- I had my Pearl Harbor. That's all I
4 want to finish with. I had my Pearl Harbor since I entered
5 that VA hospital on December 7th.

6 Q Anything else in terms of physical or--

7 A No. I just don't understand my groin pains. I
8 mention it to doctors, and they can't figure it out.

9 It's almost like a huge toothache all through my
10 system down here. My penis still hurts on the end.

11 It's -- I go to sleep thinking about it never
12 happened and I want to come back as a whole person again
13 like three and a half years ago. A lot of that way of
14 thinking.

15 I meet people. And if I hear the word, doctor or
16 somebody had an operation, I start talking about mine, and I
17 hardly know the people. I just keep on talking about it.
18 And it's -- I know I need help, but I'm trying to--

19 Q Any other physical or mental or emotional
20 condition that arose after the December 7th, 2001 procedure,
21 that you have not told me about?

22 A Yes, one important thing. I have a pool outside.
23 I bought the house for my grandchildren mainly because
24 there's a beach down the end and the pool in the back. And
25 I miss playing with those kids. They want to come over and

1 up for the first couple of months.

2 Then they said to walk around. Then I started
3 walking around and I would start getting bleeding from the--

4 Q Hold on a second. You said Day one. What is Day
5 One?

6 A Day One is from after December 7th.

7 Q So, immediately after December 7th, you had low
8 stamina?

9 A Yes. Low stamina.

10 Q Hold on one second. Do you still have low
11 stamina?

12 A Very little.

13 Q Has it improved at all since December--

14 A It has not improved. It gets worse. I walk
15 upstairs, what normally would be nothing to me, and I'm
16 huffing and puffing.

17 Q You also said -- you testified about your damaged
18 sphincter. You said that's permanent. Correct?

19 A The doctor said it was permanent. Nothing you can
20 do about it.

21 Q When did that -- when -- do you know when the
22 sphincter was damaged?

23 A Well, when I asked him, I said, "How was it
24 damaged?" He said, "It was prior infections up above coming
25 down and hitting the edge of that sphincter muscle."

1 So, I go back in my own mind, and when I saw that
2 pus pocket on the sphincter, and they squeezed it, there was
3 an infection at that time hitting on that same spot.

4 And that leads me to believe that, because I was
5 off antibiotics, and nobody would say, "You would more
6 antibiotics," that coming down on that canal from the major
7 ulcers up top, drop down onto that sphincter, and ruin the
8 edge of that sphincter.

9 Q So, about what time was that? Do you remember?

10 A Yeah, it was when I found out about that pus
11 pocket was one -- let me think a minute. 2/12, February
12 12th, with Dr. Navarro, Dr. Gordon.

13 Q February 12th, 2002?

14 A And that's when February 5th I noticed it get real
15 bad, and that's when I went into the 12th, and I called him
16 up on the 5th, saying it was getting a lot of pus coming
17 out.

18 Q You said also that you were -- you get discharges
19 from your rectum?

20 A Yes.

21 Q When did that begin?

22 A Well, after the last operation, which was on
23 February 16th. I'm sorry, May 16th. May 29th observation
24 by Dr. Cima said, "There was mucous coming out of your
25 rectum." Mucosa, mucous discharge. And he said, "That will

1 clear up from that point on," from that last operation on,
2 too.

3 Q And, that's still been ongoing?

4 A Ongoing, yeah. Mucous comes out. Yes.

5 Q And, you said that you cannot sit for a long time?

6 A He said, "It's understandable from all this major
7 scar tissue. You have major scar tissue in your anus."

8 Q When did this -- when did that occur when you
9 couldn't sit for a long time? When did that begin?

10 A That was -- I'm sitting for a long time now.

11 There was times when I couldn't even sit for five, six
12 minutes at a time. But, I feel it. You feel it, you know.

13 Q When did it -- when did that start for you when
14 you couldn't sit for a long time?

15 A From day one.

16 Q Day one being?

17 A Being from the first time -- right after December
18 7th.

19 Q Okay. And, you still have trouble sitting for a
20 long time?

21 A Yes. Definitely.

22 Q Has it gotten better over time?

23 A No. It doesn't get better. I force sitting now
24 because I want to keep walking around.

25 Q So, from December 7th, 2002 until now, you've had

1 no improvement in terms of how long you can sit down?

2 A No. No. I can't -- I'm sorry.

3 MS. SUGARMAN: Let him finish the question.

4 BY MR. WILMOT:

5 Q From December 7th, 2001 to now, you've noticed no
6 improvement in terms of how long you can sit?

7 A No improvement. None at all.

8 Q Okay. And you said, you testified that you have
9 scar tissue.

10 A Major scar tissue.

11 Q Major scar tissue. When did that develop?

12 A There was an operation on the 12th. There was an
13 operation on the 18th.

14 Q 12th and 18th of what?

15 A Of December.

16 Q Of what year?

17 A Of 2001.

18 Q Okay.

19 A There was an operation on the 15th of January.

20 There was an operation on the 27th. There was a poking and
21 squeezing on the -- by two doctors on the 12th of February.

22 There was a major operation on the 28th of February. There
23 was another major -- big time operation, I mean on the 28th
24 of February, yeah. There was another operation on May 16th.

25 I mean all that scar tissue from those same areas

1 being opened developed major scar tissue, especially when
2 that Seton Drain scar -- I can feel that one when I'm wiping
3 my bum. It's a major scar tissue in that area.

4 Q Do you have a belief as to when that scar tissue
5 became major?

6 A There's so much stuff going on down here, it's
7 hard -- they have been reopened and reopened and reopened,
8 and--

9 Q You said also that bowel movements take a long
10 time. When did that start?

11 A Through day one. Even in the Sitz Bath.

12 Q Day one being--

13 A Being right after the 7th. It was just
14 horrendous.

15 Q You said that is ongoing?

16 A Ongoing, yes.

17 Q From December 7th, 2001 until today, have you
18 noticed any improvement at all in your bowel movements?

19 A Improvement in the procedure of what I have to go
20 through?

21 Q Right.

22 A No.

23 Q You also said you suffered groin pains. When did
24 you first notice those?

25 A I talked to Dr. Cima about that right after the

1 operation in May. I had it before that, but I talked to him
2 about it.

3 Q But, tell me when you first noticed it.

4 A I noticed it during the -- let me see, exactly
5 when I was walking out of the house -- the first time I
6 noticed that was--

7 Let me just get my mind here -- walking out of
8 the house for the first time going down to the car. It was
9 in the March-April period.

10 Q 2001?

11 A 2001, yeah. No, 2002. I'm sorry.

12 Q And do you still suffer from groin pains?

13 A I get it about probably once every three or four
14 weeks, maybe a real bad one. I'll get other ones probably
15 weekly basis. But, I tried to explain to him, and he
16 couldn't quite understand what that could be caused by.

17 It's just like a stiffening and a hurt-like --
18 it's almost like going into a charley horse type of thing.
19 But it is all through my groin, lower groin area.

20 Q Now, from April of 2002 to today, have you noticed
21 any improvement in those groin pains?

22 A The same is happening.

23 Q They haven't decreased in frequency at all?

24 A No. I just can -- when it happens, I know that
25 sooner or later it's going to go away. I know that effect,

1 you know.

2 Q You said also that you're suffering from a low
3 libido?

4 A Very low, yes.

5 Q When did you first notice that?

6 A Right after the sigmoidoscopy. Well, not after
7 that, but, I stayed in my room. My wife set up my room --
8 was a hospital room, and she made the bed all the time.
9 Several months later she asked me to come back into the
10 major room, the bedroom. And I don't want to go back in.

11 Q When was that?

12 A Let me see now. That was September, I mean
13 somewhere around April or May of 2002.

14 Q And, was that when you first noticed that you had
15 a low libido?

16 A I didn't want to think of anything like that. My
17 mind.

18 Q When did you first notice that you had a low
19 libido?

20 A All that period of time, with the anticipation of
21 going back in the room. All that period of time prior to
22 that.

23 Q Do you know when you first noticed it?

24 A More so after the Visiting Nurses left and my wife
25 said, "Why don't you come back to the room?" At that point.

1 That was maybe about a month and a half -- was the --
2 actually the end -- the beginning of March.

3 Q March of 2002?

4 A Yes. 2002.

5 Q And you still have a low libido?

6 A Yeah.

7 Q You still have a low libido?

8 A I still have a low libido.

9 Q Have you noticed -- hold on one second.

10 Since this time, March of 2002 until today, have
11 you noticed any improvement at all in your libido?

12 A I'll say no.

13 Q No improvement?

14 A No improvement.

15 Q Have you had any sexual intercourse since the
16 operation in December of 2001 until today?

17 A Probably four times.

18 Q So, although not much of an improvement, you had
19 some improvement--?

20 A Can I just tell you, I'm apprehensive when it
21 comes to having sex. Very apprehensive, because when I do
22 have sexual intercourse, it's very painful, often very
23 painful.

24 Q Right, we'll get to that. I'm just trying to
25 figure out if you had any improvement in your libido at all.